

1 Kevin R. Sutherland (State Bar No. 163746)
2 Brandon K. Franklin (State Bar No. 303373)
3 CLYDE & CO US LLP
4 101 Second Street, 24th Floor
5 San Francisco, California 94105
Telephone: (415) 365-9800
Facsimile: (415) 365-9801
Email: kevin.sutherland@clydeco.us
brandon.franklin@clydeco.us

6 Attorneys for Defendant
7 EVA AIRWAYS CORPORATION

8
9 UNITED STATES DISTRICT COURT
10
11 NORTHERN DISTRICT OF CALIFORNIA

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MARIETTA DELEON, an individual,	Case No.: 3:18-cv-05710-JST
Plaintiff,	STIPULATION FOR PHYSICAL
v.	EXAMINATION OF PLAINTIFF
EVA AIRWAYS CORP. d/b/a EVA AIR	MARIETTA DELEON PURSUANT
and DOES 1-10, inclusive,	TO RULE 35 OF THE FEDERAL
Defendants.	RULE OF CIVIL PROCEDURE
	AND ORDER [PROPOSED]
	Date: August 28, 2019
	Time: 9:30 a.m.
	Place: 2100 Webster St, Suite 309,
	San Francisco, California
	94115

IT IS HEREBY STIPULATED by and between plaintiff Marietta Deleon and defendant EVA Airways Corporation (hereinafter “EVA”), through their attorneys of record, that a defense medical examination of plaintiff Marietta Deleon by Dr. Steven Richeimer shall take place at 9:30 a.m., on August 28, 2019, at the offices of Dr. Lesley Anderson at 2100 Webster Street, Suite 309, San Francisco, California 94115 (hereinafter “the facility”). Because plaintiff has alleged physical injuries (*see* Plaintiff’s Complaint, ECF No. 1 at ¶¶ 16-20), good cause exists to conduct a defense medical examination of plaintiff. *See Ayat v. Societe Air France*, No. C 06-1574 JSW JL, 2007 WL 1120358, at *5 (N.D. Cal. Apr. 16, 2007).

1 The examination will consist of a general physical examination and may
2 include x-rays, CT scans, MRIs and/or other radiology. The examination shall
3 conclude within two (2) hours of plaintiff's arrival at the facility and up to two (2)
4 individuals may accompany plaintiff during the examination. The examination
5 may be recorded by audio means. Pursuant to the request of counsel for plaintiff,
6 Dr. Steven Richeimer's report concerning the examination will be provided to
7 counsel for plaintiff in the manner provided by Rule 35(b) of the Federal Rules of
8 Civil Procedure. Counsel for plaintiff shall provide to counsel for EVA all like
9 reports pursuant to Rule 35(b)(3) of the Federal Rules of Civil Procedure.

10 IT IS SO STIPULATED.

11 Dated: August 8, 2019

CLYDE & CO US LLP

12 By: 

13 KEVIN R. SUTHERLAND
14 BRANDON K. FRANKLIN
15 Attorneys for Defendant
16 EVA AIRWAYS CORPORATION

17 Dated: August 8, 2019

NELSON & FRAENKEL, LLP

18 By: 

19 NICOLE C. ANDERSEN
20 ATTORNEY FOR PLAINTIFF
21 MARIETTA DELEON

ORDER [PROPOSED]

Pursuant to Rule 35 of the Federal Rules of Civil Procedure and the stipulation of defendant EVA Airways Corporation (hereinafter “EVA”) and plaintiff Marietta Deleon and good cause appearing therefor, IT IS HEREBY ORDERED that:

1. Plaintiff shall appear for a defense medical examination by Dr. Steven Richeimer at 9:30 a.m., on August 28, 2019, at the offices of Dr. Lesley Anderson at 2100 Webster Street, Suite 309, San Francisco, California 94115;
 2. The examination will consist of a general physical examination and may include x-rays, CT scans, MRIs and/or other radiology;
 3. The examination shall conclude within two (2) hours of plaintiff's arrival at the facility and up to two individuals may accompany plaintiff during the examination, which may be recorded by audio means; and
 4. The parties shall exchange reports in the manner provided by Rule 35(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Dated: August 13, 2019


HONORABLE JON S. TIGAR
JUDGE, UNITED STATES DISTRICT COURT